But more importantly, the Convention would be good for U.S. business. It would increase opportunities for American agribusiness to export technology and expertise to developing countries affected by desertification through networks established by the treaty. Clearly, there is no bar to marketing these outside the framework of the Convention. But working within the Convention offers distinct advantages. It establishes networks like the Science and Technology Committee, the Roster of Independent Experts, donor coordination groups and partnerships with local community organizations. If the U.S. is not a party to the Convention, U.S. businesses and consultants will be barred from these lists.

Helping to fight desertification and poverty abroad is good for U.S. exports and the U.S. trade balance. Rising incomes in the agricultural sector of developing countries generate a higher demand for U.S. exports of seeds, fertilizer, agro-chemicals, farm and irrigation equipment as well as other U.S.-produced goods and services.

The United States signed the Drylands Convention in 1994. It has been approved by all the Organization of Economic Cooperation and Development (OECD) members except the U.S. and Japan. And Japan is expected to ratify it soon. If the U.S. does not ratify by November 1998, we will not have a voice in establishing the detailed mechanism that is at the heart of the Convention. If we want this treaty to work for us, then we must have a seat at the table in two months.

Ratification of the U.N. Convention to Combat Desertification is a win-win for the United States. We must not let this opportunity slip away from us.

The PRESIDING OFFICER. The Senator from Pennsylvania.

INDEPENDENT COUNSEL

Mr. SPECTER. Mr. President, I have sought recognition to comment on the statements made earlier today by Senator HATCH and Senator LEAHY relating to an independent counsel because there is a specific course of action which can be taken to break the impasse, in my legal judgment, and that is with an action for mandamus in the United States District Court for the District of Columbia to compel Attorney General Reno to appoint an independent counsel.

There is no doubt about the serious allegations and scandals in campaign financing. The Governmental Affairs Committee on which I serve conducted extensive hearings last year which showed beyond any doubt irregularities of a most important sort, and some even involving contributions coming from foreign sources traceable to the Government of China. In the face of this overwhelming evidence, the Attorney General has declined to appoint an independent counsel.

The remedy is present for a mandamus action, which would be directed on two legal lines. One is where Attorney General Reno has failed to carry out a mandatory duty, where the independent counsel statute says that she shall act on covered persons, and an alternative legal approach where there is an abuse of a discretionary duty where there is a conflict of interest, and there is both an actual and an apparent conflict of interest. Importantly, Attorney General Reno, when questioned during her confirmation hearing, was a great advocate of an independent counsel on precisely the kind of circumstances which are presented here.

The mandamus action was pursued on three individual occasions, and the United States District Court for the District of Columbia did order mandamus. All three of those cases were reversed for reasons which are not applicable here, where there was lack of standing which was delineated in extensive discussions in the court of appeals on two of those cases. But those three cases by district court judges did confirm the legal approach which I am advocating here today, and which is encompassed in an extensive lawsuit, which has been prepared against Attorney General Reno, calling for a mandamus action.

In two of the cases they were reversed because of lack of standing, and that is a legal issue which poses a hurdle which I believe can be overcome by action by a majority of the majority of the Judiciary Committee of either the House of Representatives or the U.S. Senate. The independent counsel statute gives a majority of the majority of each Judiciary Committee unique positioning to have the requisite standing to require an answer by the Attorney General on a statement of facts and a request that independent counsel be appointed. That does not mean conclusively that there would be standing for a mandamus action, but it is a very strong argument in support of that standing. And, in two of the cases where the court of appeals reversed an order for independent counsel to be appointed, the special standing of Congress and the special standing of the Judiciary Committee was noted. In one of the cases, the Court of Appeals for the District of Columbia referred to congressional oversight, which this would be, and in another case the Court of Appeals for the District of Columbia referred to the special positioning, which the Judiciary Committee had.

There is another issue, laying all the cards on the table face up, as to separation of powers, on matters which were raised in the decision by the Supreme Court of the United States in the case of Morrison v. Olson, upholding the constitutionality of the independent counsel statute. Some of the language of the Supreme Court there has been cited, from time to time, as raising a hurdle for this kind of a lawsuit. But I would point out that, on two of the issues which were raised by the Supreme Court of the United States, the legal argument runs in favor of this kind of an action.

The Supreme Court there referred to a provision of the statute which said that there could be ''no judicial review of an action by the Attorney General appointing independent counsel.'' But the negative implication there is that review would be possible where the Attorney General declines to appoint an independent counsel. There is also a provision in the statute which says that there may be no judicial review by the special three-judge panel where the Attorney General decides not to appoint an independent counsel, and again, by negative implication, there can be review by the United States District Court for the District of Columbia. The three-judge panel is a special panel created to make the actual appointment of an independent counsel.

Mr. President, in outlining these legal hurdles, there is no doubt that there are problems here. But, in my legal judgment, each of these hurdles and any other can be surmounted. And certainly, where there is such a pressing reason to move because of what has happened here on a compelling factual basis, I strongly believe that this effort ought to be made and that it can be made by a majority of the majority on the Judiciary Committee of the Senate or a majority of the majority in the House. And perhaps it would be appropriate for both the House and the Senate to join together as parties plaintiff to solidify and enforce the standing issue and the importance of this action.

My views are not those which I express lightly. They did not arise in the course of the last few days or the last few weeks. My initial concerns were expressed in a Judiciary oversight hearing back on April 30 of 1997, when Attorney General Reno appeared before the Senate Judiciary Committee and was questioned extensively by a number of Members, including myself. At that time I pressed Attorney General Reno on some of the so-called issue advertisements which were really, by any legal interpretation, express advocacy.

Now, if they are express advocacy, and if there is coordination with the Republican National Committee or the Democratic National Committee, then they violate the law; they violate the Federal election law. And, in articulating this concern, on a number of occasions I have said that there is fault on both sides, both by the Republican National Committee and the Democratic National Committee. But the activities by the Democratic National Committee stand on a different level because of the active participation by President Clinton himself in micromanaging the campaign and in working on these commercials. We know that from the testimony, statements of Mr. Leon Panetta, Chief of Staff of President Clinton, and from the statements of Mr. Dick Morris, who was the President's principal adviser on these campaign matters.

This is illustrative of what these commercials had to say. This appeared on advertising:

Head Start, student loans, toxic cleanup, extra police, anti-drug programs—Dole-Gingrich wanted them cut. Now, they're safe, protected in the 1996 budget because the president stood firm. Dole-Gingrich—deadlock, gridlock, shutdowns. The president's plan—finish the job, balance the budget, reform welfare, cut taxes, protect Medicare. President Clinton gets it done. Meet our challenge, protect our values.

Under no stretch of the imagination could that kind of advertisement be classified as articulating an issue only contrasted with articulating advocacy for the President's campaign.

I asked Attorney General Reno about that specifically on April 30 of 1997. Her response to me was that based on a memorandum of understanding with the Federal Election Commission, it was up to the Federal Election Commission.

On the next day, May 1, 1997, I wrote to Attorney General Reno with a long list of specific advertisements which were conclusively advocacy ads which, when designated and designed and worked on by the President himself, would constitute a violation of the law.

On June 17, I received a reply from Attorney General Reno and then from the Federal Election Commission saying that the Attorney General was saying it was up to the Federal Election Commission and the Federal Election Commission said that they would give advisory opinions. That is something for the future but not something that had already been done.

Mr. President, I ask unanimous consent that my letter of May 1, 1997, the reply from the Attorney General, and the letter from the Federal Election Commission be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Mr. President, I returned to this issue with Attorney General Reno when she came in for an oversight hearing on July 15 of this year and confronted Attorney General Reno with the very basic fact that the Federal election law, with criminal provisions, is the responsibility of the Department of Justice to enforce and the responsibility of the chief enforcement officer, the Attorney General, to enforce, so that by no stretch of the imagination would it be plausible for the Attorney General to say that it was a matter for the Federal Election Commission. Notwithstanding that, the Attorney General continued to articulate this argument that it was a matter for the Federal Election Commission, which I submit, and I say this respectfully, is spurious and facetious on its face. How can it be a matter for the Federal Election Commission when it is a criminal law, criminal sanction which is the responsibility of the Attorney General and the Department of Justice? This was a very, very material matter.

Mr. President, I think it is relevant at this point to display a couple of charts, one of which is on the issue of covered persons. Referring to the coordination of advocacy advertisements, President Clinton made a statement on December 7 of 1995 at a Democratic National Committee lunch, which is really more than a smoking gun, it is a firing gun, that is on these advertisements. This is the President's voice on tape:

> Now we have come way back. . . . But one of the reasons has been. . .we have been running these ads, about a million dollars a week. . . . So I cannot overstate to you the impact that these paid ads have had in the areas where they've run. Now we're doing better in the whole country. . . . [I]n areas where we've shown these ads we are basically doing ten to fifteen points better than in areas where we are not showing them. . . .

The chart shows Leon Panetta confirmed that President Clinton helped direct expenditures of $35 million in DNC ads, and Dick Morris confirmed that President Clinton micromanaged the TV ad campaign.

This chart was presented during the Judiciary Committee hearing. In addition, the instance of the covered persons where a Mr. Warren Meddoff on October 22, 1996, personally handed President Clinton a business card with a written message suggesting a $5 million contribution.

Two days later on October 24 and again on October 26, deputy chief of staff Harold Ickes solicited Mr. Meddoff, including a call from Air Force One.

On October 29 and 30, Mr. Ickes called Mr. Meddoff and asked for an immediate contribution of $1.5 million within 24 hours.

There are two other instances depicted on this chart, and this chart only covers a very limited amount of information which was disclosed in the hearings of the Governmental Affairs Committee. One of them was a coffee which was held in the Oval Office. The President had received a memorandum from the Democratic National Committee which bore the President's writing, so we know that it was actually seen by the President.

This memorandum identified five individuals who, according to the memo, would be good for a contribution of $100,000 each. They were accorded a coffee in the White House. On May 1, there was this coffee in the Oval Office. Within the course of the week, four of the individuals contributed $100,000 each. That is not in the living quarters. That is not in any way, shape or form justifiable.

When I asked Attorney General Reno about this specifically—and bear in mind that at Judiciary Committee hearings, we have a very limited amount of time. It is not like a speech on the Senate floor where there is unlimited debate. Attorney General Reno said to me, when I asked her if this did not constitute where four people came in—bear with me. Let me read the specific information as to the question I put to the Attorney General, whether this wasn't specific and credible evidence which would satisfy the test of the independent counsel statute.

At page 193 of the record:

> Attorney General RENO: I will be happy to review it with the task force and get back to you, Senator.
>
> Senator SPECTER. Well, OK. I would ask you to review the balance of it. We will provide you with more of the specific and credible evidence, but don't you have a judgment today, Madam Attorney General?
>
> Attorney General RENO: I will review it with the task force.

The other specific bit of evidence was a June 18, 1996, coffee. In the presence of President Clinton, John Huang solicited the attendees saying:

> Elections cost money, lots and lots of money, and I am sure that every person in this room will want to support the re-election of President Clinton.

This language is important because it was stated in the presence of the President in the White House. We know that from the testimony of a former official in the National Security Council who was sitting on one side of the President, a greater distance from the individual who made the statement and the comment was heard.

Again, when confronted with this specifically, the Attorney General declined to give an opinion but said she would get back to me.

That was on July 15 of this year. And more than 45 days have passed, and we still do not have the information.

Very briefly—I will not belabor the point—this was another chart presented at Judiciary Committee hearings which shows the alternative approach on the legal issue, and that is, conflict of interest, where you have Johnny Chung, who contributed some $366,000 to the Democratic National Committee, you have the connection with the President, Vice President, and Mr. Glicken. You have a connection with President Clinton and Pauline Kanchanalak, the connection between President Clinton and John Huang, the connection between Vice President GORE and Maria Hsia, the connection between President Clinton and Charlie Trie.

In all of these matters there is a conflict of interest where these individuals have been indicted. All except for Mr. Huang, there is the delicate matter of plea bargaining and a matter where there ought to be independent counsel not being directed by the Attorney General, who is the appointee of the President.

As outlined in some detail earlier by Senator HATCH—and I will not go over that ground—this evidence has been so compelling that FBI Director Louis Freeh has taken the public position that independent counsel ought to be appointed, not an easy thing to do for the FBI Director, who is a subordinate of the Attorney General. But the FBI Director made that statement.

Then you have the legal judgment of Mr. Charles LaBella, who is the chief prosecutor, also to the effect that independent counsel ought to be appointed.

Then when Mr. LaBella was expected to be appointed as U.S. Attorney for the Southern District of California, he was skipped over—a question which needs to be answered in terms of whether his candid approach, disagreeing with the Attorney General of the United States, was a causal factor in his being passed over.

Mr. President, what I have outlined here is a very, very brief statement of very, very compelling evidence of irregularities in campaign finance. And when you deal with the issue of how Federal elections for the Presidency, for the Senate, and the House of Representatives are financed, that goes right to the core of our democratic institutions.

There is an enormous amount of skepticism in America today with the way we have political activities. I just finished, during the course of August, some 12 to 15 town meetings. In every meeting I was asked about campaign finance reform. And there was obvious cynicism by my constituents and really disgust with the way the system is run. And I was asked whether there would be campaign finance reform.

On a number of occasions it was noted that the House of Representatives had taken the bull by the horns and had passed campaign finance reform. And when asked whether it would be done in the Senate, I candidly said it was highly doubtful that 8 additional Senators could be found to join the 52 of us who have voted for cloture in order to have campaign finance reform.

If independent counsel were appointed and we got to the bottom of these issues—and many, many more—I think there would be a tidal wave of public insistence on campaign finance reform which is very necessary for the integrity of the electoral process.

When Senator HATCH, the chairman of the Judiciary Committee, speaks at great length about his frustration in what the Attorney General has not done, that is a frustration I think shared by most of Americans. Certainly it is a frustration which I share, and I think is shared by most of the members of the Judiciary Committee and most of the Members of the Congress of the United States.

In preparing this complaint in mandamus, we have a course of action which has a realistic chance of success. Is it a guarantee? No. There are many lawsuits which are filed, litigation, matters which are initiated which are not absolute guarantees. But when you have very, very compelling factual circumstances, as you do here, it is my legal judgment that the hurdles which have to be overcome can be overcome. And certainly it is an alternative which ought to be tried. It is my hope that the Attorney General will respond and appoint independent counsel. When she has, again, taken steps to have an additional investigation for 90 days, it is not totally insufficient, but it is a sharp indication that she has no intention to go to the core problems, some of which I have outlined here today.

When she activates a 90-day period of an investigation of Vice President GORE on the telephone calls, that is really a red herring, an effort to show some action which is totally—totally—insufficient. When she activates, as she did the day before yesterday, a 90-day period on Deputy Chief of Staff Ickes on a very limited phase, that again is totally insufficient.

What is necessary is to pick up the broad range of investigative leads identified by to the Director of the Federal Bureau of Investigation, Louis Freeh, and the broad range of leads identified by the chief counsel on the matter, Charles LaBella, to proceed. And if the Attorney General does not proceed, then it is my strong recommendation that the Judiciary Committee, a majority of the majority, take the bull by the horns and move to take action to compel the appointment of independent counsel through a mandamus act.

The draft copy of the complaint of mandamus—may I add that this is not carved in stone, that we are actively working to update it and to improve the complaint of mandamus, will outline the legal bases and is an outline of the evidentiary base for such an action.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 1, 1997.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: Following up on yesterday's hearing, please respond for the record whether, in your legal judgment, the text of the television commercials, set forth below, constitutes ''issue advocacy'' or ''express advocacy.''

The Federal Election commission defines ''express advocacy'' as follows:

''Communications using phrases such as ''vote for President,'' ''reelect your Congressman,'' ''Smith for Congress,'' or language which, when taken as a whole and with limited reference to external events, can have no other reasonable meaning than to urge the election or defeat of a clearly identified federal candidate.'' 11 CFR 100.22

The text of the television commercials follows:

''American values. Do our duty to our parents. President Clinton protects Medicare. The Dole/Gingrich budget tried to cut Medicare $270 billion. Protect families. President Clinton cut taxes for millions of working families. The Dole/Gingrich budget tried to raise taxes on eight million of them. Opportunity. President Clinton proposes tax breaks for tuition. The Dole/Gingrich budget tried to slash college scholarships. Only President Clinton's plan meets our challenges, protects our values.

''60,000 felons and fugitives tried to buy handguns—but couldn't—because President Clinton passed the Brady Bill—five-day waits, background checks. But Dole and Gingrich voted no. One hundred thousand new police—because President Clinton delivered. Dole and Gingrich? Vote not, want to repeal 'em. Strengthen school anti-drug programs. President Clinton did it. Dole and Gingrich? No again. Their old ways don't work. President Clinton's plan. The new way. Meeting our challenges, protecting our values.

''America's values. Head Start. Student loans. Toxic cleanup. Extra police. Protected in the budget agreement; the president stood firm. Dole, Gingrich's latest plan includes tax hikes on working families. Up to 18 million children face healthcare cuts. Medicare slashed $167 billion. Then Dole resigns, leaving behind gridlock he and Gingrich created. The president's plan: Politics must wait. Balance the budget, reform welfare, protect our values.

''Head Start. Student loans. Toxic cleanup. Extra police. Anti-drug programs. Dole, Gingrich wanted them cut. Not they're safe. Protected in the '96 budget—because the President stood firm. Dole, Gingrich? Deadlock. Gridlock. Shutdowns. The president's plan? Finish the job, balance the budget. Reform welfare. Cut taxes. Protect Medicare. President Clinton says get it done. Meet our challenges. Protect our values.

''The president says give every child a chance for college with a tax cut that gives $1,500 a year for two years, making most community colleges free, all colleges more affordable . . . And for adults, a chance to learn, find a better job. The president's tuition tax cut plan.

''Protecting families. For millions of working families, President Clinton cut taxes. The Dole-Gingrich budget tried to raise taxes on eight million. The Dole-Gingrich budget would have slashed Medicare $270 billion. Cut college scholarships. The president defended our values. Protected Medicare. And now, a tax cut of $1,500 a year for the first two years of college. Most community colleges free. Help adults go back to school. The president's plan protects our values.''

Sincerely,

ARLEN SPECTER.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, June 19, 1997.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: I have received your letter of May 1, 1997, asking that I offer you my legal opinion as to whether the text of certain television commercials constitutes ''express advocacy'' within the meaning of regulations of the Federal Election Commission (''FEC''). For the reasons set forth below, I have referred your request to the FEC for its consideration and response.

Under the Federal Election Campaign Act, the FEC has statutory authority to ''administer, seek to obtain compliance with, and formulate policy with respect to'' FECA, and exclusive jurisdiction with respect to civil enforcement of FECA. 2 U.S.C. §437c(b)(1), *See* 2 U.S.C. §437d(e) (FEC civil action is ''exclusive civil remedy'' for enforcing FECA). The FEC has the power to issue rules and advisory opinions interpreting the provisions of FECA. 2 U.S.C. §§437f, 438. The FEC may penalize violations of FECA administratively or through bringing civil actions. 2 U.S.C. §437g. In short, ''Congress has vested the Commission with 'primary and substantial responsibility for administering and enforcing the Act.''' *FEC* v. *Democratic Senatorial Campaign Comm.*, 454 U.S. 27, 37 (1981), *quoting Buckley* v. *Valeo*, 424 U.S. 1, 109 (1976).

The legal opinion that you seek is one that is particularly within the competence of the FEC, and not one which has historically been made by the Department of Justice. Determining whether these advertisements constitute ''express advocacy'' under the FEC's rules will require consideration not only of their content but also of the timing and circumstances under which they were distributed. The FEC has considerably more experience than the Department in making such evaluations. Moreover, your request involves interpretation of a rule promulgated by the

FEC itself. Indeed, it is the standard practice of the Department to defer to the FEC in interpreting its regulations.

There is particular reason to defer to the expertise of the FEC in this matter, because the issue is not as clear-cut as you suggest. In *FEC* v. *Colorado Republican Federal Campaign Comm.*, 839 F. Supp. 1448 (D. Colo. 1993), *rev'd on other grounds*, 59 F.3d 1015 (10th Cir. 1995), *vacated*, 116 S.Ct. 2309 (1996), the United States District Court held that the following advertisement, run in Colorado by the state Republican Federal Campaign Committee, did *not* constitute ''express advocacy'':

''Here in Colorado we're used to politicians who let you know where they stand, and I though we could count on Tim Wirth to do the same. But the last few weeks have been a real eye-opener. I just saw some ads where Tim Wirth said he's for a strong defense and a balanced budget. But according to his record, Tim Wirth voted against every new weapon system in the last five years. And he voted against the balanced budget amendment.

''Tim Wirth has a right to run for the Senate, but he doesn't have a right to change the facts.''

839 F. Supp. at 1451, 1455–56. The court held that the ''express advocacy'' test requires that an advertisement ''in express terms advocate the election or defeat of a candidate.'' *Id.* at 1456. The Court of Appeals reversed the District Court on other grounds, holding that ''express advocacy'' was not the appropriate test, and the Supreme Court did not reach the issue.

Furthermore, a pending matter before the Supreme Court may assist in the legal resolution of some of these issues; the Soliciter General has recently filed a petition for certiorari on behalf of the FEC in the case of *Federal Election Commission* v. *Maine Right to Life Committee, Inc.*, No. 96–1818, filed May 15, 1997. I have enclosed a copy of the petition for your information. It discusses at some length the current state of the law with respect to the definition and application of the ''express advocacy'' standard in the course of petitioning the Court to review the restrictive definition of the standard adopted by the lower courts in that case.

It appears, therefore, that the proper legal status of these advertisements under the regulations issued by the FEC is a question that is most appropriate for initial review by the FEC.

Accordingly, I have referred your letter to the FEC for its consideration. Thank you for your inquiry on this important matter, and do not hesitate to contact me if I can be of any further assistance.

Sincerely,

JANET RENO.

OFFICE OF THE ASSISTANT ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE,
Washington, DC, June 19, 1997.

Hon. JOHN WARREN MCGARRY,
Chairman, Federal Election Commission, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed for the attention and whatever further reply the Federal Election Commission (FEC) finds to be appropriate is a copy of an exchange of correspondence between the Attorney General and Senator Arlen Specter of Pennsylvania concerning the application of the Commission's rules governing issue advocacy by political parties to a specific advertisement. The Department of Justice regards the subject matter of this inquiry as properly within the primary jurisdiction of the FEC.

If we can assist the Commission in any way in this matter, please let me know.

Sincerely,

MARK M. RICHARD,
Acting Assistant Attorney General.

FEDERAL ELECTION COMMISSION,
Washington, DC, June 26, 1997.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: Your letter of May 1, 1997 to Attorney General Reno has been referred by the Department of Justice to the Federal Election Commission. Your letter asks for a legal opinion on whether the text of certain advertisements constitutes ''issue advocacy'' or ''express advocacy''.

As the Attorney General's June 19, 1997 letter to you correctly notes, the Federal Election Commission has statutory authority to ''administer, seek to obtain compliance with, and formulate policy with respect to'' the Federal Election Campaign Act (''FECA''). 2 U.S.C. §437c(b)(1). The Commission's policymaking authority includes the power to issue rules and advisory opinions interpreting the FECA and Commission regulations. 2 U.S.C. §§437f and 438.

Your May 1 letter notes that the Commission has promulgated a regulatory definition of ''express advocacy'' at 11 CFR 100.22. While the Commission may issue advisory opinions interpreting the application of that provision, the FECA places certain limitations on the scope of the Commission's advisory opinion authority. Specifically, the FEC may render an opinion only with respect to a specific transaction or activity which the requesting person plans to undertake in the future. See 2 U.S.C. 437f(a) and 11 CFR 112.1(b). Thus, the opinion which you seek regarding the text of certain advertisements does not qualify for advisory opinion treatment, since the ads appears to be ones previously aired and do not appear to be communications that you intend to air in the future. Moreover, ''[n]o opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of [section 437f].'' 2 U.S.C. §437f(b).

While the FECA's confidentiality provision precludes the Commission from making public any information relating to a pending enforcement matter, I note that past activity such as the advertisements you describe may be the subject of compliance action. If you believe that the advertisements in question involve a violation of the FECA, you may file a complaint with the Commission pursuant to 2 U.S.C. §437g(a) noting who paid for the ads and any additional information in your possession that would assist the Commission's inquiry. The requirements for filing a complaint are more fully described in the enclosed brochure.

I hope that this information proves helpful to your inquiry. Please feel free to contact my office or the Office of General Counsel if you need further assistance.

Sincerely,

JOHN WARREN MCGARRY,
Chairman.

Mr. SPECTER. Mr. President, that concludes my remarks and I see staff bringing me the concluding papers, which I shall present.

ORDERS FOR THURSDAY, SEPTEMBER 3, 1998

Mr. SPECTER. Mr. President, on behalf of our distinguished majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Thursday, September 3. I further ask that when the Senate reconvenes on Thursday, immediately following the prayer, there be a period for the transaction of morning business until 11:30 a.m., and further that the time between 9:30 and 10:30 be divided as follows: Senator BREAUX for 15 minutes, Senator TORRICELLI for 15 minutes, Senator DASCHLE or his designee for 30 minutes. I further ask that the time between 10:30 and 11:30 a.m. be under the control of Senator THOMAS or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SPECTER. For the information of all Senators, when the Senate reconvenes on Thursday at 9:30 a.m., there will be a period of morning business until 11:30 a.m. Following morning business, the Senate may turn to consideration of any available appropriations bills or other legislation or executive items cleared for action.

EXECUTIVE SESSION

DEPARTMENT OF STATE

Mr. SPECTER. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate go into executive session and that the Foreign Relations Committee be discharged from further consideration of the following nominations, and the Senate then proceed to their consideration: Senator ROD GRAMS, Senator JOSEPH BIDEN, former Senator Claiborne Pell.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

DEPARTMENT OF STATE

Rod Grams, of Minnesota, to be a Representative of the United States of America to the Fifty-third Session of the General Assembly of the United Nations.

Joseph R. Biden, of Delaware, to be a Representative of the United States of America to the Fifty-third Session of the General Assembly of the United Nations.

Claiborne deB. Pell, of Rhode Island, to be an Alternate Representative of the United States of America to the Fifty-third Session of the General Assembly of the United Nations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. SPECTER. Mr. President, on behalf of the majority leader, if there is